

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD., Plaintiff,)	
)	
v.)	
)	
SAREPTA THERAPEUTICS, INC.,)	C.A. No. 21-1015 (GBW)
Defendant.)	
)	
)	
)	
SAREPTA THERAPEUTICS, INC., and)	
THE UNIVERSITY OF WESTERN)	
AUSTRALIA, Defendant and Counter-)	
Plaintiffs)	
)	
v.)	
)	
NIPPON SHINYAKU CO., LTD. and)	
NS PHARMA, INC., Plaintiff and Counter-)	
Defendants.)	

**PLAINTIFF’S MOTION FOR LEAVE
TO FILE A REPLY**

Plaintiff Nippon Shinyaku Co., Ltd. (“NS”) respectfully moves the Court for leave to submit a reply to D.I. 307, Sarepta Therapeutics and the University of Western Australia (“UWA”)’s letter responding to NS’s letter regarding disclosure of Sarepta-Designated Information to Dr. Matthew J.A. Wood, D.I. 300. Sarepta’s responsive letter raised for the first time objections to Dr. Wood’s receipt of Protected Materials based on [REDACTED] [REDACTED]. D.I. 307 at 1-2. Prior to Sarepta filing its response, NS was unaware that Sarepta objected to Dr. Wood on this basis. Accordingly, there is good cause to grant NS leave to file the the attached reply in response to this new argument. *See St. Clair Intellectual Prop. Consultants, Inc. v. Samsung Elecs. Co.*, 291 F.R.D. 75, 80 (D. Del. 2013) (noting “[a] Court may grant leave to file a []reply if it responds to new evidence, facts, or arguments” and granting leave to file additional briefing because additional short brief “will allow the Court to more fully and fairly

evaluate” pending motion). Further, Sarepta will not be prejudiced because NS seeks only to clarify the record.

Due to the identified good cause and lack of prejudice, NS respectfully requests that the Court grant NS leave to file the attached reply.

Pursuant to Local Rule 7.1.1, the undersigned certifies that a reasonable effort was made to reach agreement regarding the instant Motion, but Sarepta and UWA stated they would oppose NS’s request for leave to file a reply.

Dated: August 14, 2023

Respectfully submitted,

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